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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

5 HONG VAN NGUYEN,)
6)
7 Petitioner,) Case No. C09-455-RSM-BAT
(CR06-307-RSM)
8 v.)
9 UNITED STATES OF AMERICA,) ORDER FOR SERVICE AND
Respondent.) ANSWER, § 2255 MOTION
10)

11 Petitioner has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his
12 sentence. After a preliminary review of the motion, the court does hereby ORDER that:

13 **(1) The Clerk shall arrange for service by first class mail upon the United States**
14 **Attorney of a copy of the Motion and the attachments thereto, and of this Order. The Clerk**
15 **shall also direct a copy of this Order and of the General Order to Petitioner.**

16 **(2) Within thirty days** after such service, the United States shall file and serve an
17 Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States
18 District Courts. As part of such Answer, the United States should state its position as to whether an
19 evidentiary hearing is necessary, whether there is any issue as to abuse or delay under Rule 9, and
20 whether petitioner's motion is barred by the statute of limitations.

21 **(3) On the face of the Answer, the United States shall note the Answer for**
22 **consideration on the fourth Friday after it is filed, and the Clerk shall note the Answer**
23 **accordingly.** Petitioner may file and serve a response not later than on the Monday immediately

1 preceding the Friday designated for consideration of the matter. The United States may file and
2 serve a reply brief not later than on the Thursday immediately preceding the Friday designated for
3 consideration of the matter.

4 (4) Filing and Service by Parties Generally: All attorneys admitted to practice before
5 this Court are required to file documents electronically via the Court's CM/ECF system. Counsel
6 are directed to the Court's website, www.wawd.uscourts.gov, for a detailed description of the
7 requirements for filing via CM/ECF. All non-attorneys, such as *pro se* parties and/or prisoners,
8 may continue to file a paper original of any document for the Court's consideration. All filings,
9 whether filed electronically or in traditional paper format, must indicate in the upper right hand
10 corner the name of the Magistrate Judge to whom the document is directed.

11 **For any party filing electronically, when the total of all pages of a filing exceeds fifty**
12 **(50) pages in length, a paper copy of the document (with tabs or other organizing aids as**
13 **necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be**
14 **clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."** A party
15 filing a paper original does not need to file a chambers copy.

16 **Additionally, any document filed with the Court must be accompanied by proof that it**
17 **has been served upon all parties that have entered a notice of appearance in the underlying**
18 **matter.**

19 (5) The Clerk shall direct a copy of this Order to the Honorable Ricardo S. Martinez.

20 DATED this 9th day of April, 2009.

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23 BRIAN A. TSUCHIDA
United States Magistrate Judge